

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE iPHONE/iPAD APPLICATION  
CONSUMER PRIVACY LITIGATION

Case No.: 11-MD-2250-LHK (PSG)

**ORDER SETTING HEARING RE:  
MOTION TO COMPEL AND APPLE  
DISCOVERY FILINGS**

**(Re: Docket Nos. 150, 206, 208, 211)**

On March 6, 2013, the court issued an order granting-in-part the class-action Plaintiffs' motion to compel further responses from Apple.<sup>1</sup> In that order, the court observed that, despite previous representations to both this court and Judge Koh, Apple had not yet completed production of all responsive documents and had not fully complied with the court's order on November 21, 2013.<sup>2</sup> To ensure that Apple in fact was fulfilling its discovery obligations and now is complying with the November 21 order, the court deferred ruling on part of Plaintiffs' motion to compel and ordered Apple to file documents explaining in detail its discovery procedures, including what searches it undertook, how many documents were responsive to those searches, and how it

<sup>1</sup> See Docket No. 203.

<sup>2</sup> See *id.*

1 narrowed 100,000 documents retrieved in those searches to only 3,000 that it produced.<sup>3</sup> Apple  
2 filed documents explaining its procedures on March 8, 2013.<sup>4</sup>

3 The court has reviewed Apple's filing and finds that although Apple's submission sheds  
4 certain light on its process, significant questions remain regarding how discovery has proceeded  
5 and whether Apple has made a reasonable effort to respond to Plaintiffs' requests. The court  
6 therefore sets a hearing for Tuesday, March 19, 2013 at 10:00 a.m. to provide Apple and Plaintiffs  
7 with an opportunity to respond to the court's inquiries. By the hearing date, Apple will have  
8 completed its supplemental production, and so the parties should be prepared to discuss any  
9 remaining concerns.  
10

11 To ensure a productive hearing, the court outlines here topics it would like the parties to be  
12 prepared to speak about at the hearing:

- 13 • The guidelines and instructions used to determine whether documents were responsive to
- 14 the Requests for Production;
- 15 • the criteria for selecting custodians;
- 16 • the disclosures between the parties regarding discovery procedures; and
- 17 • the method by which Apple selected its search terms.

18 Lead counsel may discuss these topics, but the court also welcomes other persons from Apple or its  
19 outside counsel who have knowledge of these topics to provide information regarding discovery  
20 procedures.  
21

22 **IT IS SO ORDERED.**

23 Dated: March 11, 2013

24   
25 PAUL S. GREWAL  
26 United States Magistrate Judge

27 <sup>3</sup> See *id.*

28 <sup>4</sup> See Docket No. 211.